

REMARKS

Claims 1-3 are pending in this application. By this Amendment, the specification and claims 1 and 2 are amended. The specification is amended to correct the typographical errors. No new matter is added.

Applicants appreciate the courtesies extended by Examiner Dexter to Applicants' representative during the personal interview held on January 14, 2003. Applicants' separate record of the substance of the interview is incorporated into the foregoing amendments and following remarks.

I. Formal Matters

The Office Action rejects claims 1-3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As agreed during the interview, claim 1 has been amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by Frisby et al. (hereinafter "Frisby"), U.S. Patent No. 4,608,891; rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by Gerber et al. (hereinafter "Gerber"), U.S. Patent No. 4,391,168; rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by Pilkington, U.S. Patent 4,920,495; rejects claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Frisby; rejects claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Gerber; and rejects claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Pilkington. These rejections are respectfully traversed.

Applicants' claim 1 is directed to a label making apparatus that makes labels by performing a full cutting and a half cutting on a sheet having a cutter with a single cutting

blade that cuts the sheet along a desired line, a switching device coupled to the cutter that switches a state of the cutter between a full cutting state and a half cutting state, the cutter performing the full cutting on the sheet in the full cutting state and the half cutting, on the sheet in the half cutting state wherein the sheet is cut partway in a direction of a thickness of the sheet, a drive unit that drives the switching device to switch the state of the cutter between the full cutting state and the half cutting state by moving the switching device to a cutting state selection position based on proximity to a side wall of a frame, and a controller coupled to the drive unit to control the drive unit so that the half cutting is performed at least twice on the sheet before the full cutting is performed thereon. By this arrangement, the switching device can achieve the full cutting state at at least two positions and the two positions that achieve the full cutting state can exist on both sides of the position that achieve the half cutting state.

However, it is respectfully submitted that the applied references fail to disclose or suggest the claimed invention. In particular, Frisby, Gerber, and Pilkington, individually or in combination, fail to disclose or suggest a drive unit that drives the switching device to switch the state of the cutter between the full cutting state and the half cutting state by moving the switching device to a cutting state selection position based on proximity to a side wall of a frame, as recited in claim 1.

Frisby merely discloses a system for cutting a pattern in a material with a cutting blade 4 rotatably mounted in a holder 6. The holder 6 has a generally cylindrical outer surface such that a stop collar 8 may move over the outer surface of the holder to secure the stop collar at a desired position of the holder (col. 2, lines 59-66 and Fig. 1). Accordingly, the holder 6 in Frisby does not move based on the proximity to a side wall of a frame.

Gerber discloses the cutting operation of the cutting tool moves when pneumatic or hydraulic pressure is delivered to the cylinder 42 through a supply line that operates on the

upper surface of the piston 44 to lower the piston as well as the cutting wheel to produce a downward force (col. 3, lines 58-67). Thus, Gerber fails to disclose or suggest moving the switching device based on proximity to a side wall of a frame.

Pilkington merely discloses that the cutting tool 40 is controllably moved by a drive mechanism with two motors 34, 44 (col. 4, lines 8-15). Thus, Pilkington also fails to disclose or suggest moving the switching device based on proximity to a side wall of a frame.

Accordingly, Frisby, Gerber, and Pilkington, individually or in combination, fail to disclose or suggest a drive unit that drives the switching device to switch the state of the cutter between the full cutting state and the half cutting state by moving the switching device to a cutting state selection position based on proximity to a side wall of a frame, as recited in claim 1.

For at least these reasons, Applicants respectfully submit that Frisby, Gerber and Pilkington fail to disclose or render obvious the features recited in independent claim 1. Claims 2 and 3, which depend from independent claim 1 are likewise distinguished over the applied art for at least the reasons discussed, as well as for the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: February 12, 2004

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